

**NOTICE OF PROPOSED RULE**  
**Rule 68A-25.042, F.A.C.**  
**Consent Agenda Item 3**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

Division of Hunting and Game Management

**RULE NO:** 68A-25.042

**RULE TITLE:** Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

**PURPOSE AND EFFECT:** The proposed change would eliminate the requirement that all trapping agent license holders assist in permitted activities only while in the presence of specific alligator trapping license holders under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple trapping agent licenses when assisting more than one trapper, giving trappers greater flexibility in harvesting alligators.

**SUMMARY:** C

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** *The agency has determined that this rule will \_\_\_ or will not X have an impact on small business. A SERC has \_\_\_ or has not X been prepared by the agency.*

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for lower cost regulatory alternatives must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** Article IV, Section 9, Florida Constitution Section 379.354 Florida Statutes.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution Sections 375.313, 375.591, 379.1025, 379.2223 Florida Statutes.

**A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:**

**DATE AND TIME:** During the Commission's regular meeting June 17-18, 2009, 8:30 a.m. to 5:00 p.m., each day.

**PLACE:** Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL 34429

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850) 488-9542.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600.

**THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:**

**68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.**

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) – (2) No change.

(3) Alligator trapping requirements:

(a) – (f) No change.

(g) ~~Any person possessing a valid alligator trapping or trapping agent's license~~ ~~The permittee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in presence of that trapper~~ may take alligators as provided in the harvest permit but only in the presence of the permittee.

(h) – (5) No change.

**PROPOSED EFFECTIVE DATE:** As soon as possible following Commission action.

*Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History– New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042,*

*Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09,\_\_\_\_\_.*

**BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.**

**NAME OF PERSON(S) ORIGINATING PROPOSED RULE:** Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Florida Fish and Wildlife Conservation Commission.

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 15, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.:** December 5, 2008.

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES  
FISH AND WILDLIFE CONSERVATION COMMISSION**

Division of Hunting and Game Management

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Trapping, Permitting, Taking and Sale.

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Pursuant to the U.S. Endangered Species Act (16 USC 1531, et seq), the U.S. Fish and Wildlife Service listed the American Alligator as “threatened due to similarity of appearance” in 50 CFR 17.11. See 50 FR 21059. The U.S. Fish and Wildlife Service also promulgated special regulations that allow the harvest of alligators under State programs. See 50 CFR 17.42. This rule is consistent with that Federal regulation.